

## Declaration and Power of Attorney For Patent Application

## 特許出願宣言書及び委任状

## Japanese Language Declaration

## 日本語宣言書

下記の氏名の発明者として、私は以下の通り宣言します。

私の住所、私書箱、国籍は下記の私の氏名の後に記載された通りです。

下記の名称の発明に関して請求範囲に記載され、特許出願している発明内容について、私が最初かつ唯一の発明者（下記の氏名が一つの場合）もしくは最初かつ共同発明者（下記の名称が複数の場合）であると信じています。

上記発明の明細書は、

- ☐ 本 に添付されています。
- ☐ \_\_\_\_月\_\_\_\_日に提出され、米国出願番号または特許協定条約国際出願番号を\_\_\_\_とし、  
(該当する場合) \_\_\_\_に訂正されました。

私は、特許請求範囲を含む上記訂正後の明細書を検討し、内容を理解していることをここに表明します。

私は、連邦規則法典第37編第1条56項に定義されるとおり、特許資格の有無について重要な情報を開示する義務があることを認めます。

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled.

MODIFIED BACTERIAL CELLULOSE

the specification of which

- ☐ is attached hereto.
- ☒ was filed on November 9, 1999  
as United States Application Number or  
PCT International Application Number  
09/436,756 and was amended on  
\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

**Japanese Language Declaration**  
**(日本語宣言書)**

私は、米国法典第35編119条 (a) - (d) 項又は365条 (b) 項に基づき下記の、米国以外の国の少なくとも一カ国を指定している特許協力条約365 (a) 項に基づく国際出願、又は外国での特許出願もしくは発明者証の出願についての外国優先権をここに主張するとともに、優先権を主張している、本出願の前に出願された特許または発明者証の外国出願を以下に、枠内をマークすることで、示しています。

Prior Foreign Application(s)  
外国での先行出願

(Number) (番号)	(Country) (国名)
(Number) (番号)	(Country) (国名)

私は、第35編米国法典119条 (e) 項に基づいて下記の米国特許出願規定に記載された権利をここに主張いたします。

(Application No.) (出願番号)	(Filing Date) (出願日)
(Application No.) (出願番号)	(Filing Date) (出願日)

私は、下記の米国法典第35編120条に基づいて下記の米国特許出願に記載された権利、又は米国を指定している特許協力条約365条 (c) に基づく権利をここに主張します。また、本出願の各請求範囲の内容が米国法典第35編112条第1項又は特許協力条約で規定された方法で先行する米国特許出願に開示されていない限り、その先行米国出願書提出日以降で本出願書の日本国内または特許協力条約国際提出日までの期間中に入手された、連邦規則法典第37編1条56項で定義された特許資格の有無に関する重要な情報について開示義務があることを認識しています。

(Application No.) (出願番号)	(Filing Date) (出願日)
(Application No.) (出願番号)	(Filing Date) (出願日)

(Application No.) (出願番号)	(Filing Date) (出願日)
(Application No.) (出願番号)	(Filing Date) (出願日)

私は、私自信の知識に基づいて本宣言書中で私が行なう表明が真実であり、かつ私の入手した情報と私の信じることに基づく表明が全て真実であると信じていること、さらに故意になされた虚偽の表明及びそれと同等の行為は米国法典第18編第1001条に基づき、罰金または拘禁、もしくはその両方により処罰されること、そしてそのような故意による虚偽の声明を行えば、出願した、又は既に許可された特許の有効性が失われることを認識し、よってここに上記のごとく宣誓を致します。

I hereby claim foreign priority under Title 35, United States Code, Section 119 (a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

(Day/Month/Year Filed) (出願年月日)	Priority Claimed 優先権主張	
	<input type="checkbox"/> Yes はい	<input type="checkbox"/> No いいえ
(Day/Month/Year Filed) (出願年月日)	<input type="checkbox"/> Yes はい	<input type="checkbox"/> No いいえ

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below.

(Application No.) (出願番号)	(Filing Date) (出願日)
(Application No.) (出願番号)	(Filing Date) (出願日)

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code Section 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of application.

(Status: Patented, Pending, Abandoned) (現況: 特許許可済、係属中、放棄済)
(Status: Patented, Pending, Abandoned) (現況: 特許許可済、係属中、放棄済)

(Status: Patented, Pending, Abandoned) (現況: 特許許可済、係属中、放棄済)
(Status: Patented, Pending, Abandoned) (現況: 特許許可済、係属中、放棄済)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Japanese Language Declaration  
(日本語宣言書)

委任状：私は下記の発明者として、本出願に関する一切の手続きを米特許商標局に対して遂行する弁理士または代理人として、下記の者を指名いたします。  
(弁理士、または代理人の指名及び登録番号を明記のこと)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: (list name and registration number)

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発明者の署名 日付	Inventor's signature Date <i>Masaru Ishihara</i> Jan. 19, 2000
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第二の共同発明者の氏名	Full name of second joint inventor, if any Shigeru YAMANAKA
第二の共同発明者の署名 日付	Second joint inventor's signature Date <i>Shigeru Yamanaka</i> Jan. 19, 2000
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国籍	Citizenship JAPAN
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(第三以降の共同発明者についても同様に記載し、署名すること)

(Supply similar information and signature for third and subsequent joint inventors.)

Docket No.: 216984US0RE

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

IN RE APPLICATION OF :  
Masaru ISHIIHARA et al : ATTN: APPLICATION DIVISION  
REISSUE OF: 6,060,289 :  
FILED: HERewith :  
FOR: MODIFIED BACTERIAL CELLULOSE

**DECLARATION UNDER 37 C.F.R. §1.175**

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed in the below identified patent:

Patent No.: 6,060,289  
Date Patent Issued: May 09, 2000  
Title of Invention: Modified Bacterial Cellulose

for which a reissue patent is sought on the invention entitled Modified Bacterial Cellulose, the specification of which is attached hereto as Exhibit 1 and amended in the Preliminary Amendment attached hereto as Exhibit 2.

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by the Preliminary Amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56.

We (I) hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed. The prior foreign application(s) are:

<u>Application</u>	<u>Country</u>	<u>Date/Month/Year</u>	<u>Priority Claimed</u>
8-215332	Japan	26 July 1996	Yes
9-062282	Japan	28 February 1997	Yes

I verily believe the original patent to be wholly or partly inoperative or invalid by reason of a defective specification and drawing, by reason of the patentee claiming more or less than he had the right to claim in the patent, and by reason of other errors.

Errors upon which reissue is based are described as follows:

Although we observed the ribbon-shaped microfibrils by the electron microscope and the atomic force microscope, the electron microscope catches shadow of the microfibrils. On the other hand, the atomic force microscope measures actual figure by moving a probe in contact with a surface to be measured. Then, we considered that the results obtained by the atomic force microscope are accurate, and the width and thickness of the microfibrils were determined based on the results obtained by the atomic force microscope. The end of the probe was rounded having a half diameter of 10 nm. Then, the limit of detection of the atomic force microscope was considered to be 10 nm. This is in the horizontal direction. However, in July, 1999, we learned from the manufacturer of the atomic force microscope

that the microscope has a resolving power of 0.01 nm in the vertical direction, and it is possible to determine a size in the order of 0.01 nm by utilizing the resolving power in the vertical direction which had been recently developed.

We measured the thickness and width of the microfibrils obtained in Examples 1, 2 and 4 again by the recently developed method, and found that the thickness was in the range of 1 to 9 nm, as shown in the attached Exhibit 3.

Moreover, as a result of the change in the thickness of the microfibrils described above, the ratio of the major axis/minor axis is changed as well. The lower limit of this ratio is  $250 \text{ nm} : 9 \text{ nm} = 28:1.0$ , and the upper limit is  $1000 \text{ nm} : 1 \text{ nm} = 1000:1.0$ , and with respect to the particular range, the lower limit is  $250 \text{ nm} : 9 \text{ nm} = 28:1.0$  and the upper limit is  $700 \text{ nm} : 2.5 \text{ nm} = 280:1.0$ .

Based on the errors noted above, I understand that the specification of the above-identified application is amended as described below.

The paragraph at column 1, lines 49-64, is amended as shown below:

Thus, the present invention provides, bacterial cellulose comprising ribbon-shaped microfibrils having a thickness of 1 to 9 [10 to 100] nm and a width of 160 to 1000 nm, a method of producing bacterial cellulose which comprises culturing cellulose-producing bacteria which produce the bacterial cellulose extracellularly in a culture medium containing a cell division inhibitor, and recovering the bacterial cellulose produced in the culture medium, and further the present invention provides bacterial cellulose comprising ribbon-shaped microfibrils having a thickness of 1 to 9 [10 to 100] nm and a width of 50 to 70 nm, and a method of producing bacterial cellulose which comprises culturing

cellulose-producing bacteria which produce the bacterial cellulose extracellularly in a culture medium containing an organic reducing agent, and recovering the bacterial cellulose produced in the culture medium.

The paragraph at column 2, line 63 to column 3, line 6, is amended as shown below:

The bacterial cellulose of the invention comprises ribbon-shaped microfibrils having a minor axis of 1 to 9 [10 to 1000] nm and a major axis of 160 to 1000 nm or 50 to 70 nm. The inventors cultured cellulose producing bacteria (*Acetobacter pasteurianus* FERM BP-4176) in a culture medium without containing cell division inhibitor and organic reducing agent, and the size of the microfibrils of the bacterial cellulose was measured. As a result, the microfibril had a minor axis of 1 to 9 [10 to 100] nm and a major axis of 80 to 150 nm. Accordingly, the bacterial cellulose of the invention is clearly different from conventional bacterial cellulose.

The paragraph at column 3, lines 7-13, is amended as shown below:

The minor axis of microfibrils is 1 to 9 nm [, in general, 55 to 95 nm, occasionally smaller size, e.g., 25 nm,] irrespective of the bacterial cellulose of the invention obtained by culturing in a culture medium containing a cell division inhibitor or an organic reducing agent or conventional bacterial cellulose obtained by culturing in a culture medium not containing cell division inhibitor and organic reducing agent.

The paragraph at column 3, lines 14-28, is amended as shown below:

On the other hand, the major axis of the microfibrils of the bacterial cellulose obtained by culturing in a culture medium containing a cell division inhibitor is, in general, 160 to 700 nm, particularly 170 to 600 nm, occasionally longer size, e.g. 1000 nm. That is, the major axis is considerably greater compared with conventional major axis of 80 to 150 nm. When a culture medium contains a cell division inhibitor, cellulose-producing bacteria are lengthened, and it is observed that a plurality of single chains are adhered to each other to form a bundle. The bundle can be deemed single chain, and accordingly, the major axis becomes considerably longer than conventional one. The ratio of major axis/minor axis is about 28:1.0 to 1000:1 [2.8:1.0 to 8.1:1.0], particularly, 28:1.0 to 280:1 [3.0:1.0 to 6.0:1.0. In the case of conventional microfibrils, the ratio of major axis/minor axis is 1.6:1.0 to 2.7:1.0.]

The paragraph at column 3, lines 29-35, is amended as shown below:

In the case of the bacterial cellulose obtained by culturing in a culture medium containing an organic reducing agent, the major axis of the microfibrils is, in general, 50 to 70 nm, and it is difficult to discriminate the major axis and the minor axis. It is considered to be caused by shortening of bacterial cell. [The ratio of major axis: minor axis is about 0.9:1.0 to 1.5:1.0, particularly, 1.2:1.0 to 1.5:1.0.]

The paragraph at column 7, lines 6-16, is amended as shown below:

The ribbon-shaped microfibrils produced in NA-added media were observed by the electron microscope and the



atomic force microscope, and found that the major axes (width) was great, e.g. 170 nm, 340 nm, 430 nm, 590 nm, etc., but the minor axes (thickness) were in the range of 1 to 9 nm, e.g., 2.5 nm, 3 nm, 6 nm, 9 nm [10 to 100 nm, e.g., 25, 30, 60, 90 nm] etc. On the other hand, the ribbon-shaped microfibrils produced in no NA added medium had a major axis (width) of 82 nm, 107 nm, etc and a minor axis (thickness) in the range of 1 to 9 [10 to 100] nm, and significant variation was not observed compared with NA added medium concerning the minor axis.

The paragraph at column 8, lines 38-48, is amended as shown below:

The CP ribbon-shaped microfibrils produced in NA-added media were observed by the electron microscope and the atomic force microscope, and found that the major axes (width) was great, e.g. 160 nm, 330 nm, 450 nm, 570 nm, 690 nm, etc., but the minor axes (thickness) were in the range of 1 to 9 [10 to 100] nm. On the other hand, the ribbon-shaped microfibrils produced in no CP added medium had a major axis (width) of 82 nm, 107 nm, etc and a minor axis (thickness) in the range of 1 to 9 nm, and significant variation was not observed compared with CP added medium concerning the minor axis.

The paragraph at column 9, lines 39-50, is amended as shown below:

The DTT ribbon-shaped microfibrils produced in NA-added media were observed by the electron microscope and the atomic force microscope, and found that the major axes (width) was small, e.g. 56 nm, 57 nm, 70 nm, etc., but the minor axes (thickness) were in the range of 1 to 9 [10 to 100]

nm. On the other hand, the ribbon-shaped microfibrils produced in no DTT added medium had a major axis (width) of 82 nm, 107 nm, etc and a minor axis (thickness) in the range of 1 to 9 [10 to 100] nm, and significant variation was not observed compared with DTT added medium concerning the minor axis.

The Abstract is replaced with the substitute Abstract shown below:

This invention provides a bacterial cellulose comprising ribbon-shaped microfibrils having a thickness of 1 to 9 nm and a width of 160 to 1000 nm or a bacterial cellulose comprising ribbon-shaped microfibrils having a thickness of 1 to 9 nm and a width of 50 to 70 nm. The former bacterial cellulose can be produced by culturing cellulose-producing bacteria in a culture medium containing a cell division inhibitor, and the latter can be produced by culturing the bacterium in a culture medium containing an organic reducing agent. The bacterial cellulose is modified from conventional bacterial cellulose in the major axis, and is improved in Young's modulus, etc.

Figure 1 of the patent is replaced with the substitute Figure 1 submitted with the Preliminary Amendment attached hereto.

Figure 2 of the patent is replaced with the substitute Figure 2 submitted with the Preliminary Amendment attached hereto.

Figure 3 of the patent is replaced with the substitute Figure 3 submitted with the Preliminary Amendment attached hereto.

Claims Claims 4, 5 and 6 of the patent are cancelled.

The claims are amended in the Preliminary Amendment attached hereto as shown below:

1. (Amended) A bacterial cellulose comprising microfibrils having a thickness of 1 to 2 [10 to 100] nm and a width of 250 to 1000 nm.

2. (Amended) The bacterial cellulose of claim 1, wherein the microfibrils have [which has] a width of 250 to 700 nm.

3. (Amended) The bacterial cellulose of claim 1, wherein the microfibrils have [which has] a width of 250 to 600 nm.

15. (Amended) The bacterial cellulose of claim 1, wherein the microfibrils have [which has] a width of 430 to 1000 nm.

16. (Amended) The bacterial cellulose of claim 1, wherein the microfibrils have [which has] a width of 590 to 1000 nm.

17. (Amended) The bacterial cellulose of claim 1, wherein the microfibrils have [which has] a Young's modulus of about 13 to 20 Gpa.

18. (Amended) The bacterial cellulose of claim 1, wherein the microfibrils have [which has] a Young's modulus of about 16 to 20 Gpa.

19. (Amended) The bacterial cellulose of claim 1,  
wherein the microfibrils have [which has] a width of 340 to  
1000 nm.

20. (Amended) The bacterial cellulose of claim 1,  
wherein the microfibrils have [which has] a width of 340 to 700  
nm.

21. (Amended) The bacterial cellulose of claim 1,  
wherein the microfibrils have [which has] a width of 340 to 600  
nm.

The following claims are added to the application in the Preliminary Amendment  
attached hereto and as shown below:

22. (New) The bacterial cellulose of claim 1, wherein  
the microfibrils have a thickness of 2.5, 3, 6, or 9 nm.

23. (New) The bacterial cellulose of claim 1, wherein  
the ratio of the major axis to the minor axis of the microfibrils  
is about 28:1.0 to 1000:1.0

24. (New) The bacterial cellulose of claim 1, wherein  
the ratio of the major axis to the minor axis of the microfibrils  
is about 28:1.0 to 280:1.0.

25. (New) A bacterial cellulose produced by  
Acetobacter pasteurianus FERM BP-4176 which comprises  
microfibrils having a thickness of 1 to 9 nm and a width of 250  
to 1000 nm.

26. (New) The bacterial cellulose of claim 25, wherein the microfibrils have a width of 250 to 700 nm.

27. (New) The bacterial cellulose of claim 25, wherein the microfibrils have a width of 250 to 600 nm.

28. (New) The bacterial cellulose of claim 25, wherein the microfibrils have a width of 430 to 1000 nm.

29. (New) The bacterial cellulose of claim 25, wherein the microfibrils have a width of 590 to 1000 nm.

30. (New) The bacterial cellulose of claim 25, wherein the microfibrils have a width of 340 to 1000 nm.

31. (New) The bacterial cellulose of claim 25, wherein the microfibrils have a width of 340 to 700 nm.

32. (New) The bacterial cellulose of claim 25, wherein the microfibrils have a width of 340 to 600 nm.

33. (New) The bacterial cellulose of claim 25, wherein the microfibrils have a Young's modulus of about 13 to 20 GPa.

34. (New) The bacterial cellulose of claim 25, wherein the microfibrils have a Young's modulus of about 16 to 20 Gpa.

35. (New) The bacterial cellulose of claim 25, wherein the ratio of the major axis to the minor axis of the microfibrils is about 28:1.0 to 1000:1.0.

37. (New) The bacterial cellulose of claim 25, wherein the microfibrils are ribbon-shaped.

39. (New) The method of claim 38, wherein the cell division inhibitor is selected from the group consisting of chloramphenicol, a protein synthesis inhibitor, an organic compound having  $\beta$ -lactamase inhibiting ability, nalidixic acid, promidic acid, pipemidic acid, oxolinic acid, ofloxacin and enoxacin.

41. (New) The method of claim 39, wherein the organic compound having  $\beta$ -lactamase inhibiting ability is thienamycin.

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44. (New) The method of claim 38, wherein the bacteria are *Acetobacter pasteurianus* FERM BP-4176.

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Date

March 28, 2002

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Residence

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Date

March 28, 2002

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